

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO: 5:22-MJ-02153-BM

UNITED STATES OF AMERICA)	
)	
V.)	GOVERNMENT RESPONSE
)	TO MOTION TO WITHDRAW
)	GUILTY PLEA
)	
JASMINE L. WRIGHT)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby states the following in response to the Motion to Withdraw Guilty Plea and Set New Trial dated August 18, 2023

I. Background

On August 9, 2023, Defendant, through counsel, entered a plea of guilty to DWI Level 5 in exchange for the Government dropping the charges of Careless and Reckless Driving by Manner. The court properly entered a sentence on this matter on August 9. Government counsel has reached out to defense counsel and is not aware of any material evidence that would change the outcome of the case.

II. Legal Basis

Federal Rule of Criminal Procedure 11(e) provides after the court imposes a sentence, the defendant may not withdraw a plea of guilty, and the appeal may be set aside only on direct appeal or collateral attack.

III. Analysis

Here, because the plea was entered into on August 9 and the sentence was imposed the same day, the defendant's motion to withdraw is improper. Federal Rule of Criminal Procedure 11(e). Defendant can only attack the decision on appeal. Federal Rule of Criminal Procedure 11(e).

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CERTIFICATE OF SERVICE

I certify that I have on this the 21st day of August, 2023, served a copy of the foregoing RESPONSE with the Clerk of Court using the CM/ECF system, which will also provide notice of the same to the Defendant at the following:

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